

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NOS. 11-12111-RWZ and 13-40076-RWZ

ELDORADO CANYON PROPERTIES, LLC

v.

GMAC MORTGAGE, LLC and GMAC MORTGAGE CORPORATION

RESIDENTIAL FUNDING CORPORATION, LLC,
f/k/a RESIDENTIAL FUNDING COMPANY

v.

ALLISON L. RANDLE and ARA ERESIAN, JR.

ORDER

October 7, 2014

ZOBEL, D.J.

GMAC Mortgage, LLC and GMAC Mortgage Corporation (together “GMAC”) move for default judgment and for payment of fees and costs against Eldorado Canyon Properties, LLC (“Eldorado”) for failure to prosecute. GMAC insists that dismissal is warranted under Fed. R. Civ. P. 37(d) for Eldorado’s lack of cooperation with and participation in discovery. Indeed, Eldorado has not complied with the discovery rules, at times egregiously, including failing to serve responses or objections to interrogatories and requests for production, and failing to appear for its duly-noticed

Rule 30(b)(6) deposition.¹

Therefore, GMAC's motion (Docket # 74) is ALLOWED IN PART and DENIED IN PART. Although default judgment will not enter at this time, GMAC's request for fees and costs is allowed. GMAC shall submit to the court and to Eldorado by Thursday, October 9, 2014, an accounting of the reasonable expenses it incurred, including attorneys fees and costs, as a result of Eldorado's misconduct with respect to discovery. The court will determine the amount to be paid. If payment thereof to GMAC is not made before Monday, October 20, 2014, Eldorado will not be permitted to participate in the trial and default judgment will enter against it.

SO ORDERED.

October 7, 2014

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE

¹ Following the filing of GMAC's motion for default judgment, Eldorado served its responses to interrogatories and requests for production.